

<p style="text-align: center;">9</p> <p>1 A Not about this probation, but there</p> <p>2 were letters to him about the</p> <p>3 subsequent extension of his training,</p> <p>4 which would be equivalent to another</p> <p>5 probation.</p> <p>6 Q Do you recall when your face-to-face</p> <p>7 meeting with Raj took place prior to</p> <p>8 your sending this e-mail?</p> <p>9 A I don't remember the exact dates but</p> <p>10 after he took the oral exam and didn't</p> <p>11 pass, that in itself would prohibit</p> <p>12 him from going on to the next year</p> <p>13 because it's one of the requirements</p> <p>14 for progression that he have passed</p> <p>15 his oral exam. So it was sort of on</p> <p>16 the -- on the face of it that he would</p> <p>17 be on probation until he took the exam</p> <p>18 over. So I asked him to take the exam</p> <p>19 over. I tried to encourage him to</p> <p>20 take it over. He said no, we were</p> <p>21 prejudiced against him, and he wasn't</p> <p>22 going to take it over because the</p> <p>23 results would be the same. I</p> <p>disagreed with him, and I said he</p>	<p style="text-align: center;">11</p> <p>1 lifted?</p> <p>2 A We -- we discussed the results of the</p> <p>3 test right then and there, and he knew</p> <p>4 that at the time, yes.</p> <p>5 Q Who were the examiners on the second</p> <p>6 test?</p> <p>7 A I was, Dr. Festin was, and Dr. Swett</p> <p>8 was, Festin, F-e-s-t-i-n, and Swett,</p> <p>9 Chester Swett, S-w-e-t-t.</p> <p>10 Q Who were the examiners on the first</p> <p>11 time?</p> <p>12 A Dr. Festin and I and Dr. Alexander.</p> <p>13 Q Was there any reason that Dr. Alexander</p> <p>14 did not participate in the second oral</p> <p>15 examination of Raj?</p> <p>16 A Well, I'm not sure if he were</p> <p>17 available that day. Secondly,</p> <p>18 Dr. Swett was chief -- chief of the</p> <p>19 service at that point, and we just</p> <p>20 thought it would be better -- a better</p> <p>21 policy to have somebody higher up be</p> <p>22 participating in the test because we</p> <p>23 knew that Raj was upset about it.</p> <p>24 Q Were there any letters or prior</p>
<p style="text-align: center;">10</p> <p>1 would need to take it over, and once</p> <p>2 he took it over, he'd be off</p> <p>3 probation.</p> <p>4 [There was an interruption.]</p> <p>5 THE WITNESS: And passed he</p> <p>6 would be off probation.</p> <p>7 Q And these communications again were</p> <p>8 verbal face to face between you and</p> <p>9 Raj, correct?</p> <p>10 A Right.</p> <p>11 Q So there were no letters on your</p> <p>12 stationery advising Raj, A, that he</p> <p>13 was formally placed on probation, is</p> <p>14 that correct?</p> <p>15 A That's right.</p> <p>16 Q Was there any letter on your</p> <p>17 stationery advising Raj that he was</p> <p>18 off probation?</p> <p>19 A Not this time. It took him over a</p> <p>20 year to take the test over.</p> <p>21 Q And when he took the test over, he</p> <p>22 passed?</p> <p>23 A Yes.</p> <p>24 Q And did you e-mail that probation is</p>	<p style="text-align: center;">12</p> <p>1 e-mails to Raj stating that he was in</p> <p>2 danger of getting placed on probation,</p> <p>3 letters or e-mails?</p> <p>4 A There were a number of complaints</p> <p>5 about him. I don't know exactly when</p> <p>6 they started but not really. The not</p> <p>7 taking the test was the biggie because</p> <p>8 that was on our printed requirements</p> <p>9 for progression and promotion. *</p> <p>10 Q So is it fair to say -- and correct me</p> <p>11 if I'm wrong -- is it fair to say then</p> <p>12 that Raj never got a letter from you</p> <p>13 saying you better do this, this, and</p> <p>14 this, or you're in danger of being</p> <p>15 placed on probation?</p> <p>16 A That's true.</p> <p>17 Q Did you send this e-mail that's been</p> <p>18 marked as Exhibit 1 in a moment of</p> <p>19 peak at Dr. Badgaiyan, Doctor?</p> <p>20 MR. FARQUHAR: I'm just going</p> <p>21 to object to the phrasing "moment of</p> <p>22 peak." Would you just define that?</p> <p>23 Q Were you angry at Dr. Badgaiyan? You</p> <p>24 had learned that he was teaching a</p>